

Application No. 10/785,468
Reply to Office action of September 22, 2004

arguably has a generally triangular configuration "with the central portion for resting under the chin," as the examiner noted in the office action. However, Sowle's "central" portion does not extend aft under the helmet to a point where it is adjacent to "the wearer's throat," as is now specified in amended claim 1. Nor does the Sowle chin stabilizer substantially cover the open area of a full-face helmet that normally exists between the wearer's throat and the lower forward edge of the helmet, as is now claimed. For these reasons, it is submitted that the claim amendments overcome the examiner's rejection of the claims based on Sowle.

The import of the above limitations is that a stabilizer constructed in accordance with the invention prevents a full-face motorcycle helmet from riding up over the face of the wearer or rolling from side to side. The invention is designed, in particular, to be used in combination with "motocross" helmets, although applicant concedes that he has not limited the scope of patent coverage to helmets of that kind. Nevertheless, motocross helmets jut more forwardly relative to the mouth than other kinds of full-face helmets. What this means is that the wearer's scope of vision is more readily impaired by relatively small movements of the helmet. A chin stabilizer constructed in accordance with the invention keeps the helmet on the wearer's head much more snugly than conventional chin straps because it covers the open area underneath the helmet from the throat to the lower forward edge.

The helmet design that is the subject of EP 259269 (Nocchi) is admittedly similar in purpose and, in that respect, is probably more relevant to the patentability of the present invention than Sowle. However, the examiner will appreciate that Nocchi describes a rigid closure underneath the jaw region of the helmet. In order to more clearly distinguish applicant's invention over Nocchi, applicant has amended the claims to specify that the material that makes up applicant's chin stabilizer is a "nonrigid flexible material." Moreover, applicant clearly

Application No. 10/785,468
Reply to Office action of September 22, 2004

specifies that the vertices of the nonrigid material overlap the helmet region where the snap fittings are located. And finally, applicant's claims make it clear that the chin stabilizer is stretched over and covers the open area underneath the helmet, from chin to throat, with dependent claim 2 further specifying that the chin stabilizer is in contact with the throat. This later point is significant because, if Nocchi is given a fair reading, Nocchi makes it clear that the rigid, under-jaw closure described in that patent does not extend all of the way such that it is in contact with the throat. Nocchi concedes (See page 2, lines 10-20) that a "rigid" design of the type disclosed by Nocchi can not be made to have a "universal" fit for all head and chin shapes, which means that this type of helmet can move loosely, although the general design prevents the helmet from coming off the wearer's head. Nocchi solves the movement problem by building in an underlying chin pad (See item 6, Fig. 2) that "snugs up" underneath the chin when the rigid closure is buckled into place, thereby holding the helmet in position. The present invention, as claimed, enables and creates a snug helmet fit by use of nonrigid flexible material that, in some respects, is stretched across the lower front of the helmet and thereby provides a snug fit in that way. The flexible material claimed as part of the present invention provides a more "universal" fit and allows a "snug" fit up against the wearer's throat in a way that is different from Nocchi.

In making the above representations, applicant wishes to make it clear that it may be possible to make the invention from other nonrigid and flexible materials, or combinations, that include vent openings in the chin stabilizer, which may provide better air flow and venting into the helmet. It might be possible to increase the concavity of the curve lines between vertices so that small open areas are created on each side underneath the jaw line the helmet without departing from the spirit and scope of what applicant considers to be his invention. Changes of this kind are considered to fall within the scope of the claims submitted here.

Application No. 10/785,468
Rcply to Office action of September 22, 2004

Attached to this response are several unsolicited emails from purchasers of the invention, along with a copy of an article from the September 2004 issue of "MX Rider." Applicant refers the examiner to pages 86 and 87 of the magazine which provides an informal rating of the invention.

Applicant has scheduled an interview with the patent examiner for 10:30 a.m. on October 14. At the interview, applicant will provide the examiner with supplemental information that is similar to the attachments as well as demonstrate the invention for the examiner.

Respectfully submitted,

DON RASBERRY

By: Bruce A. Kaser

Bruce A. Kaser
Registration No. 31,531
DAVIS WRIGHT TREMAINE LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Telephone: (206) 628-7653

I, Bruce A. Kaser, hereby certify that this document and its attachments are being deposited with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12th day of October, 2004.

Bruce A. Kaser
Name (signature)

MX RIDER



Race Coverage

Mammoth Mountain

Is This The End?

Hawaii

State Championships

AAR Series

Round 6 & 7

Tested

McGrath's CRF175

TMR Honda CR125

Ryan Villopoto's KX85

Interview With Bronson Hethcote

Look who we found in Hawaii

September 2004

RATED: 9.5

Lock Jaw Helmet Stabilizer

The Lockjaw device was designed to help stabilize your helmet. What exactly do we mean? Well we spoke with the designer of the Lockjaw device and he explained that the chinstrap on all helmets does a great job of holding your helmet on, but when you crash and hit the front or back of the helmet you will find that the chin strap acts as a pivot point and the helmet will slide either back or forward depending on how you fall. This often results in injured jaws or split chins and even more serious injuries such as neck injuries. Once the Lockjaw is installed your helmet is more stable and gives you a feel of security.

We tested the Lockjaw on an extremely hot day. We noticed that the helmet sat different on our heads-it rested more firmly on the top portion of our heads and seemed to reduce the pressure on the back of our necks. Once you get going you forget that it is even on but you will surely notice a difference in how your helmet feels tight and secure. After a long day of riding the vote was unanimous that the Lockjaw reduced the pressure on our necks and made our helmets feel more comfortable. As for the venting when you are moving you really don't notice a difference but when you stop you can feel a heat wave instantly come over you we found that unbuttoning the device just prior to stopping solves this problem.

We were all very surprised at how comfortable our helmets fit once the unit was installed. Luckily no one crashed but that leaves us not knowing exactly how the Lockjaw performs in a crash, however with the added comfort and secure feeling we were all sold on the Lockjaw.

We rated the Lockjaw at a 9.5 and felt that if you race you should be wearing one of these. We just wish that there were a way to add a little venting to the Lockjaw.



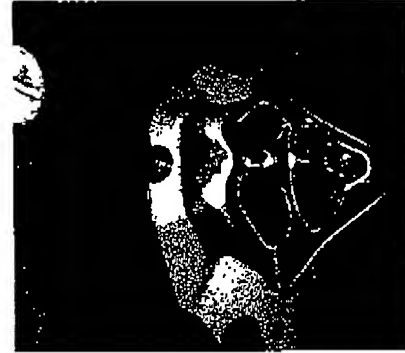
Lock Jaw Helmet Stabilizer
Price: \$39.93
www.lockjawracing.com

INSTALLING YOUR LOCKJAW SOFT STRAP

We recently tested the Lockjaw soft strap and thought that it might be beneficial to provide a few steps on installing the soft strap correctly.



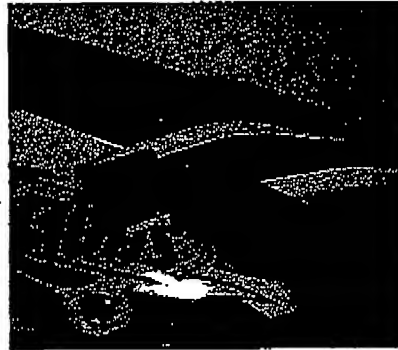
STEP 1: Be sure to center the front button both side-to-side and top to bottom on the mouthpiece.



STEP 2: When riveting the button be sure press the rivet gun firmly against the surface of the helmet.



STEP 3: Once you get the front button installed clip the soft strap on and be sure to center the strap on the helmet before marking or drilling the side buttons.



STEP 4: When marking the side buttons be sure to pull the soft strap tight and pull the sides of the strap as far back on the helmet as possible.



STEP 5: Double check your alignment and mark where to drill the two side buttons.



STEP 6: Drill both sides and repeat step #2.



Once you get your soft strap installed put you helmet on and check to see that the strap is the right size. If your Lockjaw is the correct size the strap should just touch the front of your neck. Lockjaw has designed the soft strap in a number of sizes to accommodate different helmets and neck size however they designed the Lockjaw so that button pattern is the same on all the sizes.



Medsker Racing College

www.racingsmarter.com
106 Creek Dr., Quinby, SC 29506 USA
843-669-5794 Office 843-665-6973 Fax
E-mail = dlmedsker@worldnet.att.net

09-21-2004

Don Rasberry
Lack Jaw Company
Bullhead City, AZ 86442
928-234-1546

RE: Your new design and innovation in helmet chinstraps

Dear. Mr. Rasberry:

I am in receipt of your helmet chinstrap product and have attached it to both my on-road and off-road helmets. My initial testing shows that this product design is far superior and a lot more effective in stopping and preventing helmet roll, forward and backward, over the rider's head compared to the old style chinstrap still being recommended today. Without question your new design will be far more effective in both helmet protection and head and neck injury prevention. This is a product I would recommend for all off-road riding and racing. I would also recommend this product for all on-road riding and racing, as well.

May I recommend that you approach and show this chinstrap protective product to both DOT and the Snell Foundation? As you probably already know one of the areas that the Snell Foundation test is whether or not helmet stayed attached to the rider's head following initial impact.

Did you know that head and neck spinal research studies clearly show that the base of the skull and the first two vertebral in the cervical spine is the areas most directly involved in head and neck injuries and include:

1. Contusions
2. Concussions
3. Whiplash
4. Upper Cervical Trauma

I have been a motocross and Supercross doctor for over 20-years now. And over 10-years of this experience has been at the trackside with a mobile clinic to immediate care of rider injuries. From this actual accumulation of rider injuries it is my opinion that the old style chinstrap design, which is still being approved and used today, is the single most highly probable causative factor in rider head and neck injuries. And the old style helmet chinstrap attaches the helmet by a strap that ranges in width from 7/8" to 1.5" to the rider's head at the point of the upper cervical spinal level and base of the skull. But no authorizing or certifying helmet

authority is concerned about this, as they still do not test the helmet for this underlying provocation of head and neck injuries. Beside, our sport is off-road, not on-road. Yet the helmet authorizing and certifying agencies test only for on-road conditions. And, if this were not enough the leading agency tests only the worst-case scenario or catastrophic injury of a rider on the streets? Yet, as an off-road rider and professional educator I am required to wear a helmet constructed from the guidelines and standards found and formed from on-road testing and usage.

Your new chinstrap design is truly a work of art and a breakthrough in rider-helmet protection. In my opinion your chinstrap will greatly minimize head and neck injuries compared to the old style presently being used.

If I can be of any additional assistance to you or your company please do not hesitate to contact me.

Sincerely,

Dr. Dennis L. Medsker
College President

*THIS MATERIAL IS BEING PUBLISHED
IN DR MEDSKER'S BOOK ABOUT HELMETS.*

Don Rasberry

From: dlmedsker@att.net
Sent: Tuesday, September 21, 2004 5:25 PM
To: Don@lockjawracing.com
Subject: Chinstrap portion & letter of recommendation

09-21-04

RE: Final proof of Chinstrap Problems and attached letter of recommendation of your product.

Hi Don:

The attachment is the letter of recommendation I mailed to you this morning and the below is the final proof of the Chinstrap Problems portion of the helmet book. Let me know what you think.

Dennis

Chinstraps

Chinstraps are another source of helmet-rider problems. The original helmet chinstrap design and the one still in uses today allows the helmet to rock and slip foreword and backward over the rider's head. This unwanted movement, in part, is responsible for generating head, neck, and throat problems. This movement is highly noticeable in loose fitting helmets and less so when they are tightly fitted. The rocking action of the helmet is potentially dangerous as it placing unwanted chinstrap stress loads to the head, neck, and throat - both while riding, racing and more so during falls and impacts.

Did you know that the location of the chinstrap functions as a leveraging pivot point? It can and sometimes places an amplified stress load into the rider's head, neck, and throat areas. Like a hangman's noose, the present day approved belt system can place a great deal of momentary force into the throat, airway, and upper cervical and base of the skull areas during falls. Follow-up clinical examinations and x-rays studies of the head and neck clearly demonstrate upper cervical involvement from this form of whiplash injury. Patient symptomatology also supports these clinical findings. Sometimes I have found that the symptomology supports chinstrap involvement. Symptoms, such as bruising across the throat, hoarseness, difficulty in swallowing and breathing have followed this type of injury. The only causative agent that could possible cause these types of problems is the chinstrap.

A company called "LOCK JAW RACING" (lockjawracing.com) has addressed this issue with the creation of a new helmet chinstrap design that has overcome the problems generated by the original system. The new design is called the "LOCK JAW HELMET STABILIZER". It works by avoiding the throat and airway structures of the rider and places the attachment points along the entire chin line. This point of attachment restricts helmet rotation and keeps the head more closely locked into the helmet especially during falls and impacts. My findings show that this new chinstrap design will greatly reduce the probabilities of chinstrap causing injuries to the rider.

9/29/2004

But nevertheless keep this in mind when it comes your helmet selection. All approved present day chinstrap designs allow approximately 5" to 6" of helmet free play over the head. And, it does not matter what kind or type of helmet you have or how well it fits when it comes to chinstrap design. For this reason I would, at least suggest that you look into a Lock Jaw Stabilizer chinstrap system.

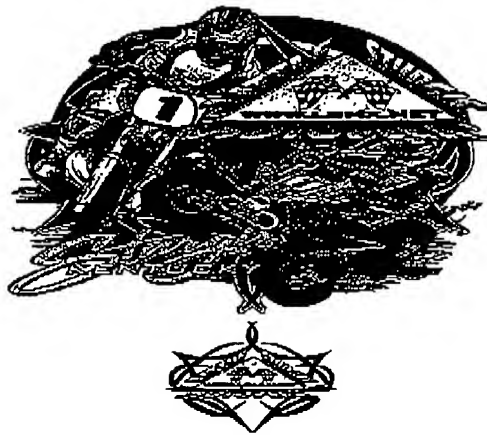
9/29/2004

To Whom It May Concern:

My name is Bourke Sprague owner of Little Sturgis Motoplex located in Sturgis Kentucky. I am writing in regards to Don Rasberry, owner of Lock Jaw Racing. We are very proud to have Don and Lock Jaw as a sponsor of Little Sturgis Motoplex. I believe Don has invented a very needed product in the Motocross industry. Lock Jaw's helmet stabilizers give the rider extra support to the most important part of your body—the head. These helmet stabilizers help keep the riders head and helmet as one. With the stabilizer riders do not have the extra play between the head and the helmet. I have been in motocross for many years and believe that Don and Lock Jaw have blessed the Motocross world with added protection and safety when riding. Please feel free to contact me with any question @ 270-333-7846.

Sincerely,

Bourke Sprague
Little Sturgis Motoplex/owner
WWW.LSMX.NET



Don Rasberry

From: Paul Moffat [bikerface@cableone.net]
Sent: Monday, February 02, 2004 8:46 PM
To: Don@lockjawracing.com
Subject: Chin strap

Hi Don, We are all home safe and sound and have a dentist appt. tomorrow for Jakes chipped teeth. He wants to write a testimonial that you may use at your discretion about his feelings about the chin straps you have been marketing.>>> First off don't forget to send a tighter fitting one for Jessica. Here is her mailing address.

Jessica Moffat
1441 Eagle Ridge Rd.
Prescott, AZ. 86301

Hi Don, I want to tell you how good my new strap holds my helmet tight to my head. You have the photos of my chipped teeth that I got at the races at Gila Bend (the Whiplash Gila Monster). After wearing the new strap for a while now I am convinced my teeth wouldn't be chipped right now had I had the strap before the race. As you know while going after 1st place my helmet came up allowing a kicked up rock to enter under my unprotected chin area of the helmet. This caused me to lose control and go down. I got back up and managed to finish the race in fourth place but I sincerely feel had I had the lock jaw strap in place my teeth wouldn't be chipped and the results of that race would be drastically different. Your new strap keeps the helmet right where it belongs. I hope to see you guys at future races.
Sincerely, Jake Moffat

2/5/2004

Don Rasberry

From: ALLEN, LAURA [ALLENL@LONESTARSTEEL.com]
Sent: Thursday, August 12, 2004 5:54 AM
To: 'don@lockjawracing.com'
Subject: Thanks

Just would like to say Thank You...We purchased your Lock Jaw device at Ponca..When we left Ponca Saturday morning, we went on down to Village Creek in Ft.Worth for a local race. Goy out there and made a few practice laps, over jumped a double that had a kicker on it and through my son, who rides a 65, over the handlebars. We ended up with a concussion and a cracked helmet on both sides. We feel that the lock jaw really kept that helmet on...He hit face first into the dirt..So, as a Mom, I would like to say thanks and I am sure glad he wanted me to stop by your booth and look.....Thanks, The Allens from Hughes Springs, TX...

Laura Allen

9/15/2004

Don Rasberry

From: ERICA PIPES [ERICA532@msn.com]
Sent: Monday, May 10, 2004 9:42 PM
To: don@lockjawracing.com
Subject: sponsorship

Hey Don,

This is Dustin Pipes and I met you at Salinas for the Bounty Hunter Series. You put on two Lock Jaw's on my helmet and told me to email you. I really like using the Lock Jaw's and I was hoping for a sponsorship. I am 13 years old and ride the 125 novice class, but I will be moving up to the intermediate class soon. I have had some really good finishes at the amature nationals. I have got a couple seconds and a bunch of top tens. I broke my femur's 3 times, my nose, and my arm. I am looking forward to doing good at the rest of the amature nationals and hopefully supporting Lock Jaw. So if you feel like giving me a sponsorship email me at: moto532hon@msn.com or call me at: (559) 661-0919.

Thank You,
Dustin Pipes

9/28/2004

Don Raspberry

From: Regan Williams [rwilliams@plateautel.com]
Sent: Thursday, August 12, 2004 10:24 AM
To: don@lockjawracing.com
Subject: Distribution Inquiry

Dear Sir,

I was fortunate enough to have met you at Ponca this year when I purchased a soft strap for my daughter's (Sweet Pea) helmet. Since that time I have had numerous inquiries about the product at some of our area races and tracks. We race/travel mainly in New Mexico and Texas and feel that we could really benefit in the distribution of your product. We also have very close ties to a large Motorcycle dealer in our area that is interested in the product. If you are interested please contact me at rwilliams@plateautel.com or 505.760.0162 or 505.769.3406

Thanks for your consideration,

Regan Williams
1104 Fairway Terrace
Clovis, New Mexico 88101

9/28/2004

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☒ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.